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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.              | CONFIRMATION NO.                  |
|---|-------------|----------------------|----------------------------------|-----------------------------------|
| 09/660,209  | 09/12/2000  | Charles W. Mitchell  | 1001-0135                        | 6900                              |
| 22120   | 7590        | 08/05/2005           | <input type="text"/> EXAMINER    |                                   |
| ZAGORIN O'BRIEN GRAHAM LLP<br>7600B N. CAPITAL OF TEXAS HWY.<br>SUITE 350<br>AUSTIN, TX 78731 |             |                      | <input type="text"/> LAU, TUNG S |                                   |
|   |             |                      | <input type="text"/> ART UNIT    | <input type="text"/> PAPER NUMBER |
|   |             |                      | 2863                             |                                   |

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|   |                        |                     |  |
|---|------------------------|---------------------|--|
| <b>Advisory Action<br/>Before the Filing of an Appeal Brief</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|   | 09/660,209             | MITCHELL ET AL.     |  |
|   | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|   | Tung S. Lau            | 2863                |  |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- The period for reply expires 3 months from the mailing date of the final rejection.
- The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:

- They raise new issues that would require further consideration and/or search (see NOTE below);
- They raise the issue of new matter (see NOTE below);
- They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 6 and 40-42.

Claim(s) rejected: 1,3-5,7-13,15,18,20-23,26-29,34 and 36-39.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13.  Other: Please see next page.

## DETAILED ACTION

## Response to Arguments

1. Applicant's arguments filed 07/26/2005 have been fully considered but they are not persuasive. A. Applicant argues in the arguments that the prior art does not show the 'deasserting the first temperature control signal in response to access to a control location in the integrated circuit' in claim 4. Hussain discloses deasserting the first temperature control signal in response to access to a control location in the integrated circuit in fig. 5, Col. 4, Lines 29-38, and Col. 6-7, Lines 31-5. In fig. 5; In Col. 4, Lines 29-38 Hussain talks about the temperature data is store in one of the register 145 in the IC shows as well in fig. 1, unit 145 in chip 140; In Col. 6-7, Lines 31-5. In fig. 5, shows the asserting of an control signal setpoint in register with software or hardware, this case is alert# signal, and in Col. 6, Lines 52-67, Hussain talks about the temperature limit values assert and deasserts, in particular setpoint 234 to assert a signal to use active cooling, and setpoint 232 is to use passive cooling (deasserts from signal 234), and setpoint 235 also indicated no active cooling should be use (deasserts from signal 234); Hussain clearly disclose in Col. 5-7, Lines 5-5 that various setpoint can be use in the system to better control temperature in the IC, fig. 5 shows one of the condition which active cooling (assert) can be use and other setpoints (232 and 235 in Col. 6, Lines 52-67) not to use active cooling control (deassert the active control signal in fig. 5, alert#).

Therefore Hussain discloses deasserting the first temperature control signal in response to access to a control location in the integrated circuit' in fig. 5, Col. 4, Lines 29-38 and Col. 6-7, Lines 31-5.

B. Applicant continue to argue in the arguments that the prior art does not show the 'accessing a control location in the integrated circuit to cause signal to be deasserted' in claim 20 as well as claim 23. Hussain discloses the 'accessing a control location in the integrated circuit to cause signal to be deasserted' in fig. 5, Col. 4, Lines 29-38, and Col. 6-7, Lines 31-5. In fig. 5.

In Col. 4, Lines 29-38 Hussain talks about the temperature data is store in one of the register 145 in the IC shows as well in fig. 1, unit 145 in chip 140; In Col. 6-7, Lines 31-5. In fig. 5, shows the asserting of an control signal setpoint in register with software or hardware, this case is alert# signal, and in Col. 6, Lines 52-67, Hussain talks about the temperature limit values assert and deasserts, in particular setpoint 234 to assert a signal to use active cooling, and setpoint 232 is to use passive cooling (deasserts from signal 234), and setpoint 235 also indicated no active cooling should be use (deasserts from signal 234); Hussain clearly disclose in Col. 5-7, Lines 5-5 that various setpoint can be use in the system to better control temperature in the IC, fig. 5 shows one of the condition which active cooling (assert) can be use and other setpoints (232 and 235 in Col. 6, Lines 52-67) not to use active cooling control (deassert the active control signal in fig. 5, alert#).

Therefore Hussain discloses 'accessing a control location in the integrated circuit to cause signal to be deasserted' in fig. 5, Col. 4, Lines 29-38, and Col. 6-7, Lines 31-5.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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